

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LEXOR MANUFACTURING, LLC,

Plaintiff

VS.

LURACO, INC. and LURACO HEALTH &
BEAUTY, LLC,

Defendants.

VS.

ECOJET, INC. and LEXOR, INC,

Defendants.

Case No. 3:18-CV-01933-N

JURY TRIAL DEMANDED

ANSWER TO AMENDED COUNTERPETITION AND COUNTERCLAIMS

Plaintiff and counterclaim defendant Lxor Manufacturing, LLC (“Lxor”) and counterclaim defendants Ecojet, Inc. and Lxor, Inc. (collectively, “Counter Defendants”) hereby respond to the Amended Counter-Petition [Dkt. No. 40] brought in this action by Luraco, Inc. and Luraco Health & Beauty, LLC (collectively, “Luraco”) for patent infringement.

PREFACE

In short, Luraco sued the wrong parties. Luraco improperly sued Texas that entities never conducted any business (but are subject to venue in the Northern Texas for infringement actions under 28 U.S.C. § 1400) not the identically named actual operating entities, which are organized and headquartered in California (and not subject to venue). Consequently, while the Counter Defendants do not challenge the venue for the filing of this action, most of the Counter Defendants had no involvement in any of the allegations set forth in the Complaint. The

Complaint asserts claims against entities that conducted no business whatsoever and certainly never manufactured, distributed or sold the Accused Products.

The Complaint asserts claims against the following entities organized under the laws of the State of Texas:

Lexor, Inc., a Texas corporation

Ecojet, Inc., a Texas corporation

The Texas entities were incorporated relatively recently but were never operational. The Texas entities were part of a potential project to move operations from California to Texas that has subsequently been abandoned. Luraco also sued two individuals, Christopher Lac Luong and Sam Nguyen, as directors of one of the Texas Entities, Lexor, Inc.

Neither Lexor, Inc. nor Ecojet, Inc. engaged in any of the activity alleged in the Complaint. To the contrary, entities sharing the same name – i.e., “Lexor, Inc.” and “Ecojet, Inc.” – were organized under the laws of the State of California and were at least tangentially involved in the manufacturing, distribution and/or sales of the Accused Products. These defendants are headquartered in California. These California entities were not, however, named as defendants in the lawsuit. Indeed, Texas is an improper venue for patent infringement actions against the correct defendants. 28 U.S.C. § 1400.

The Counter Defendants now answer the Amended Counter-Petition on their own behalf and not on behalf of any third party, including but not limited to third parties organized under the laws of California. The numbered paragraphs set forth below correspond to number set forth in Luraco’s Amended Counter-Petition.

NATURE OF THIS ACTION

48. Counter Defendants admit that Luraco asserts a claim for declaratory relief regarding patent infringement. The balance of the allegations set forth in this paragraph require no response, and are denied on that basis.

49. Counter Defendants admit that Luraco asserts a claim for declaratory relief regarding patent infringement. The balance of the allegations set forth in this paragraph require no response, and are denied on that basis.

50. Counter Defendants admit that Luraco asserts claim for patent infringement. The balance of the allegations set forth in this paragraph require no response, and are denied on that basis.

III. PARTIES

51. Counter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny them.

52. Counter Defendants admit that Lexor Manufacturing, LLC it is a California limited liability company having a principal place of business in Orange County. The balance of the allegations set forth in this paragraph require no response, and are denied on that basis.

53. Counter Defendants admit that Lexor, Inc. sued in this action is organized under the laws of the State of Texas. Counter Defendants incorporate the Preface set forth above.

54. Counter Defendants admit that there exists a company known as Ecojet, Inc. that is organized under the laws of the State of California. Counter Defendant note, however, that Luraco brings this action against an Ecojet, Inc. that was organized under the laws of the State of Texas.¹ Counter Defendants incorporate the Preface set forth above.

IV. JURISDICTION AND VENUE

55. Lexor admits that this is an action under the patent laws of the United States. Lexor also admits that this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1338.

56. Denied. Counter Defendants incorporate the Preface set forth above.

57. Denied. Counter Defendants incorporate the Preface set forth above.

¹ See Dkt. No. 36, pp. 13-14.

58. Counter Defendants admit that Lexor, Inc. sued in this action is organized under the laws of the State of Texas. Counter Defendants incorporate the Preface set forth above.

V. FACTUAL BACKGROUND

59. Counter Defendants admit that Lexor Manufacturing, LLC is the owner of the ‘655 Patent.

60. Counter Defendants admit that Luraco infringes the ‘655 Patent. The balance of the allegations set forth in this paragraph require no response, and are denied on that basis.

61. Denied. Counter Defendants incorporate the Preface set forth above.

62. Denied. Counter Defendants incorporate the Preface set forth above.

63. Counter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny them.

64. Counter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny them.

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66. Counter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny them.

67. Counter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny them.

68. Denied.

IV. INFRINGEMENT ALLEGATIONS CONCERNING LURACO’S PATENTS

A. CLAIM – Infringement of the ‘933 Patent

69. Counter Defendants incorporate the preceding paragraphs as if set forth fully herein.

70. Denied.

71. Denied.

72. Denied.

73. Denied.

74. Denied.

75. This paragraph contains allegations concerning claim terms that have not been construed. Therefore, no response is required and Counter Defendants deny these allegations on that basis.

76. This paragraph contains allegations concerning claim terms that have not been construed. Therefore, no response is required and Counter Defendants deny these allegations on that basis.

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154. This paragraph contains allegations concerning claim terms that have not been construed. Therefore, no response is required and Counter Defendants deny these allegations on that basis.

155. This paragraph contains allegations concerning claim terms that have not been construed. Therefore, no response is required and Counter Defendants deny these allegations on that basis.

156. This paragraph contains allegations concerning claim terms that have not been construed. Therefore, no response is required and Counter Defendants deny these allegations on that basis.

B. CLAIM – Infringement of '071 patent

157. Counter Defendants incorporate the preceding paragraphs as if set forth fully herein.

158. Counter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny them.

159. Denied.

160. Denied.

161. Denied.

162. Denied.

C. CLAIM – Infringement of '088 patent

163. Counter Defendants incorporate the preceding paragraphs as if set forth fully herein.

164. Counter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny them.

165. Denied.

166. Denied.

167. Denied.

168. Denied.

D. CLAIM – Infringement of ‘177 patent

169. Counter Defendants incorporate the preceding paragraphs as if set forth fully herein.

170. Counter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny them.

171. Denied.

172. Denied.

173. Denied.

174. Denied.

E. CLAIM – Infringement of ‘178 patent

175. Counter Defendants incorporate the preceding paragraphs as if set forth fully herein.

176. Counter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny them.

177. Denied.

178. Denied.

179. Denied.

180. Denied.

F. CLAIM – Declaratory Judgment of Non-Infringement of the ‘655 Patent

181. Counter Defendants incorporate the preceding paragraphs as if set forth fully herein.

182. Denied.

G. CLAIM – Declaratory Judgment of Invalidity of the ‘655 Patent

183. Counter Defendants incorporate the preceding paragraphs as if set forth fully herein.

184. Denied.

H. CLAIM – Declaratory Judgment of Unenforceability of the ‘655 Patent

185. Counter Defendants incorporate the preceding paragraphs as if set forth fully herein.

186. This paragraph contains a characterization of the prosecution of the patent to which no response is required. Counter Defendants deny these allegations on that basis.

187. This paragraph contains a characterization of the prosecution of the patent to which no response is required. Counter Defendants deny these allegations on that basis.

188. This paragraph contains a characterization of the prosecution of the patent to which no response is required. Counter Defendants deny these allegations on that basis.

189. This paragraph contains a characterization of the prosecution of the patent to which no response is required. Counter Defendants deny these allegations on that basis.

190. This paragraph contains a characterization of the prosecution of the patent to which no response is required. Counter Defendants deny these allegations on that basis.

191. This paragraph contains a characterization of the prosecution of the patent to which no response is required. Counter Defendants deny these allegations on that basis.

192. This paragraph contains a characterization of the prosecution of the patent to which no response is required. Counter Defendants deny these allegations on that basis.

193. This paragraph contains a characterization of the prosecution of the patent to which no response is required. Counter Defendants deny these allegations on that basis.

194. This paragraph contains a characterization of the prosecution of the patent to which no response is required. Counter Defendants deny these allegations on that basis.

195. This paragraph contains a characterization of the prosecution of the patent to which no response is required. Counter Defendants deny these allegations on that basis.

196. This paragraph contains a characterization of the prosecution of the patent to which no response is required. Counter Defendants deny these allegations on that basis.

197. This paragraph contains a characterization of the prosecution of the patent to which no response is required. Counter Defendants deny these allegations on that basis.

198. This paragraph contains a characterization of the prosecution of the patent to which no response is required. Counter Defendants deny these allegations on that basis.

199. This paragraph contains a characterization of the prosecution of the patent to which no response is required. Counter Defendants deny these allegations on that basis.

I. CLAIM – False Advertising and Product Disparagement

200. Counter Defendants incorporate the preceding paragraphs as if set forth fully herein.

201. Denied.

202. Denied.

203. Denied.

204. Denied.

205. Denied.

206. Denied.

207. Denied.

208. Denied.

209. Denied.

210. Denied.

J. CLAIM – Intentional Interference with Existing Business Relations

211. Counter Defendants incorporate the preceding paragraphs as if set forth fully herein.

212. Denied.

213. Denied.

214. Denied.

215. Denied.

JURY DEMAND

Counter Defendants hereby demand a jury trial on all claims so triable.

AFFIRMATIVE DEFENSES TO AMENDED COUNTER-PETITION

FIRST AFFIRMATIVE DEFENSE

(Non-Infringement)

Lexor has not infringed and is not infringing, either directly, contributorily, or by inducement, any valid or enforceable claim of an asserted patent.

SECOND AFFIRMATIVE DEFENSE

(Invalidity)

One or more of the claims of the asserted patents are invalid for failing to meet one or more of the statutory requirements and/or conditions for patentability under 35 U.S.C. §§ 101, 102, 103, and/or 112.

THIRD AFFIRMATIVE DEFENSE

(No Injunctive Relief)

Luraco is not entitled to injunctive relief because any alleged injury to Luraco is neither immediate nor irreparable, and Luraco has an adequate remedy at law.

FOURTH AFFIRMATIVE DEFENSE

(Constitutional Bar)

Luraco's claims are barred by the United States Constitution, including but not limited to the First Amendment, in that Luraco seeks to hold Counter Defendants liable for activity protected under the First Amendment.

FIFTH AFFIRMATIVE DEFENSE

(Prosecution History Estoppel)

By reason of the proceedings in the U.S. Patent and Trademark Office ("USPTO") during the prosecution of the application resulting in the issuance of the asserted patents, namely, the admissions, representations, and amendments made on behalf of the application for this patent,

Luraco is estopped from extending the coverage of the asserted claims in the asserted patents to cover the accused instrumentalities.

SIXTH AFFIRMATIVE DEFENSE

(Acquiescence, Estoppel, Waiver or Laches)

Upon information and belief, Luraco has made claims that are barred in whole or in part by the doctrines of acquiescence, estoppel, laches, and waiver.

SEVENTH AFFIRMATIVE DEFENSE

(35 U.S.C. § 287 – Failure to Mark)

Luraco's claims for damages are barred, in whole or in part, for failure to comply with 35 U.S.C. § 287.

EIGHTH AFFIRMATIVE DEFENSE

(Failure to State a Claim Upon Which Relief Can Be Granted)

Luraco has failed to state a claim upon which relief may be granted.

NINTH AFFIRMATIVE DEFENSE

(Statute of Limitations)

Some, if not all, of Luraco's claims for relief are barred, in whole or in part, by the applicable statute of limitations.

TENTH AFFIRMATIVE DEFENSE

(Innocent Infringement)

Luraco's claims for relief are barred because the alleged infringement, if any, was innocent and not willful.

ELEVENTH AFFIRMATIVE DEFENSE

(Absence of Irreparable Harm)

Luraco's claims for injunctive relief are barred because Luraco will not suffer any irreparable harm and has an adequate remedy at law.

TWELFTH AFFIRMATIVE DEFENSE

(No Causation)

Luraco's claims are barred because Luraco's alleged injury and/or damages, if any, were not caused by Counter Defendants. Luraco's claims are also barred, in whole or in part, because Counter Defendants are not liable for acts of others over whom it has no control.

THIRTEENTH AFFIRMATIVE DEFENSE

(No Damages)

Luraco's claims are barred because there has been no damage in any amount by reason of any act alleged against Counter Defendants.

FOURTEENTH AFFIRMATIVE DEFENSE

(Intervening Rights)

Luraco's allegations are limited by Counter Defendants absolute and equitable intervening rights.

RESERVATION OF ADDITIONAL DEFENSES

Counter Defendants reserve any and all additional defenses available under Section 35 of the United States Code, the rules, regulations, or laws related thereto, the Federal Rules of Civil Procedure, the Rules of this Court, and/or otherwise in law or equity, now existing, or later arising, as may be discovered.

PRAYER FOR RELIEF

Counter Defendants deny that Luraco is entitled to any of the relief.. Counter Defendants pray for the following relief:

- (a) Judgment on Luraco's counterclaims entered against Luraco and for Counter Defendants;

- (b) A determination that this is an “exceptional case” pursuant to 35 U.S.C. § 285 and an award to Counter Defendants of their reasonable legal fees, costs, and expenses incurred in defending this action;
- (c) A determination that this is an “exceptional case” pursuant to 15 U.S.C. § 1117(a) and an award to Counter Defendants of their reasonable legal fees, costs, and expenses incurred in defending this action; and
- (d) Such other and further relief as this Court or a jury may deem proper and just.

LEXOR’S COUNTERCLAIMS

Lexor Manufacturing, LLC alleges Counterclaims against Luraco as follows:

NATURE OF THE ACTION

1. On information and belief, according to the allegations set forth in Luraco’s Counterclaims, Luraco is the owner of the entire right, title, and interest in and to US Patent No. 9,926,933, (the “‘933 patent”) 10,215,178, (the “‘178 patent”) 10,302,088, (the “‘088 patent”) 10,288,071, (the “‘071 patent”) 10,215,177 (the “‘177 patent”) (collectively, the “Luraco Patents”).

2. Luraco has accused Lexor Manufacturing, LLC of infringing the Luraco Patents. Lexor Manufacturing, LLC denies that any of its products infringe any valid or enforceable claim of the Luraco Patents.

3. An actual case or controversy exists between the parties concerning the infringement of one or more of the claims of the Luraco Patents, and that controversy is ripe for adjudication by this Court.

PARTIES

4. Lexor Manufacturing, LLC is a California corporation with its principal place of business in Orange County, California.

5. On information and belief, according to the allegations in Luraco's Amended Counter-Petition, Luraco is a Texas corporation with its principal place of business in Arlington, Texas.

JURISDICTION AND VENUE

6. This are counterclaims for a declaration of non-infringement and invalidity of one or more claims of the Luraco Patents. This Court has subject matter jurisdiction over these counterclaims pursuant to 28 U.S.C. §§ 1331, 1338, 2201, and 2202.

7. This Court has personal jurisdiction over Luraco because Luraco has already submitted to the jurisdiction of this Court asserting counterclaims.

8. Venue for these counterclaims is legally proper in this District pursuant to 28 U.S.C. § 1367 and 1391.

FIRST COUNTERCLAIM

(Declaration of Non-Infringement of the '933 Patent)

9. Lexor Manufacturing, LLC herein realleges and incorporates by reference the allegations set forth above and those set forth in Lexor Manufacturing, LLC's Complaint, Dkt. No. 1.

10. Lexor Manufacturing, LLC has not infringed and is not infringing, either directly, contributorily, or by inducement, any valid or enforceable claim of the '933 Patent.

11. To resolve the legal and factual questions raised by Luraco and to afford relief from the uncertainty and controversy that Luraco's actions have precipitated, Lexor Manufacturing, LLC is entitled to declaratory judgment that it has not infringed and is not infringing, directly, or indirectly, any valid or enforceable claim of the '933 Patent.

SECOND COUNTERCLAIM

(Declaration of Invalidity of the '933 Patent)

12. Lexor Manufacturing, LLC herein realleges and incorporates by reference the allegations set forth above and those set forth in Lexor Manufacturing, LLC's Complaint, Dkt. No. 1.

13. One or more claims of the '933 Patent are invalid for failing to meet one or more of the requisite statutory and decisional requirements and/or conditions for patentability under one or more of 35 U.S.C. §§ 101, 102, 103, and/or 112.

14. To resolve the legal and factual questions raised by Luraco and to afford relief from the uncertainty and controversy that Luraco's actions have precipitated, Lexor Manufacturing, LLC is entitled to declaratory judgment that the '933 Patent is invalid.

THIRD COUNTERCLAIM

(Declaration of Non-Infringement of the '178 Patent)

15. Lexor Manufacturing, LLC herein realleges and incorporates by reference the allegations set forth above and those set forth in Lexor Manufacturing, LLC's Complaint, Dkt. No. 1.

16. Lexor Manufacturing, LLC has not infringed and is not infringing, either directly, contributorily, or by inducement, any valid or enforceable claim of the '178 Patent.

17. To resolve the legal and factual questions raised by Luraco and to afford relief from the uncertainty and controversy that Luraco's actions have precipitated, Lexor Manufacturing, LLC is entitled to declaratory judgment that it has not infringed and is not infringing, directly, or indirectly, any valid or enforceable claim of the '178 Patent.

FOURTH COUNTERCLAIM

(Declaration of Invalidity of the '178 Patent)

18. Lexor Manufacturing, LLC herein realleges and incorporates by reference the allegations set forth above and those set forth in Lexor Manufacturing, LLC's Complaint, Dkt. No. 1.

19. One or more claims of the '178 Patent are invalid for failing to meet one or more of the requisite statutory and decisional requirements and/or conditions for patentability under one or more of 35 U.S.C. §§ 101, 102, 103, and/or 112.

20. To resolve the legal and factual questions raised by Luraco and to afford relief from the uncertainty and controversy that Luraco's actions have precipitated, Lexor Manufacturing, LLC is entitled to declaratory judgment that the '178 Patent is invalid.

FIFTH COUNTERCLAIM

(Declaration of Non-Infringement of the '088 Patent)

21. Lexor Manufacturing, LLC herein realleges and incorporates by reference the allegations set forth above and those set forth in Lexor Manufacturing, LLC's Complaint, Dkt. No. 1.

22. Lexor Manufacturing, LLC has not infringed and is not infringing, either directly, contributorily, or by inducement, any valid or enforceable claim of the '088 Patent.

23. To resolve the legal and factual questions raised by Luraco and to afford relief from the uncertainty and controversy that Luraco's actions have precipitated, Lexor Manufacturing, LLC is entitled to declaratory judgment that it has not infringed and is not infringing, directly, or indirectly, any valid or enforceable claim of the '088 Patent.

SIXTH COUNTERCLAIM

(Declaration of Invalidity of the '088 Patent)

24. Lexor Manufacturing, LLC herein realleges and incorporates by reference the allegations set forth above and those set forth in Lexor Manufacturing, LLC's Complaint, Dkt. No. 1.

25. One or more claims of the '088 Patent are invalid for failing to meet one or more of the requisite statutory and decisional requirements and/or conditions for patentability under one or more of 35 U.S.C. §§ 101, 102, 103, and/or 112.

26. To resolve the legal and factual questions raised by Luraco and to afford relief from the uncertainty and controversy that Luraco's actions have precipitated, Lexor Manufacturing, LLC is entitled to declaratory judgment that the '088 Patent is invalid.

SEVENTH COUNTERCLAIM

(Declaration of Non-Infringement of the '071 Patent)

27. Lexor Manufacturing, LLC herein realleges and incorporates by reference the allegations set forth above and those set forth in Lexor Manufacturing, LLC's Complaint, Dkt. No. 1.

28. Lexor Manufacturing, LLC has not infringed and is not infringing, either directly, contributorily, or by inducement, any valid or enforceable claim of the '071 Patent.

29. To resolve the legal and factual questions raised by Luraco and to afford relief from the uncertainty and controversy that Luraco's actions have precipitated, Lexor Manufacturing, LLC is entitled to declaratory judgment that it has not infringed and is not infringing, directly, or indirectly, any valid or enforceable claim of the '071 Patent.

EIGHTH COUNTERCLAIM

(Declaration of Invalidity of the '071 Patent)

30. Lexor Manufacturing, LLC herein realleges and incorporates by reference the allegations set forth above and those set forth in Lexor Manufacturing, LLC's Complaint, Dkt. No. 1.

31. One or more claims of the '071 Patent are invalid for failing to meet one or more of the requisite statutory and decisional requirements and/or conditions for patentability under one or more of 35 U.S.C. §§ 101, 102, 103, and/or 112.

32. To resolve the legal and factual questions raised by Luraco and to afford relief from the uncertainty and controversy that Luraco's actions have precipitated, Lexor Manufacturing, LLC is entitled to declaratory judgment that the '071 Patent is invalid.

NINTH COUNTERCLAIM

(Declaration of Non-Infringement of the '177 Patent)

33. Lexor Manufacturing, LLC herein realleges and incorporates by reference the allegations set forth above and those set forth in Lexor Manufacturing, LLC's Complaint, Dkt. No. 1.

34. Lexor Manufacturing, LLC has not infringed and is not infringing, either directly, contributorily, or by inducement, any valid or enforceable claim of the '177 Patent.

35. To resolve the legal and factual questions raised by Luraco and to afford relief from the uncertainty and controversy that Luraco's actions have precipitated, Lexor Manufacturing, LLC is entitled to declaratory judgment that it has not infringed and is not infringing, directly, or indirectly, any valid or enforceable claim of the '177 Patent.

TENTH COUNTERCLAIM

(Declaration of Invalidity of the '177 Patent)

36. Lexor Manufacturing, LLC herein realleges and incorporates by reference the allegations set forth above and those set forth in Lexor Manufacturing, LLC's Complaint, Dkt. No. 1.

37. One or more claims of the '177 Patent are invalid for failing to meet one or more of the requisite statutory and decisional requirements and/or conditions for patentability under one or more of 35 U.S.C. §§ 101, 102, 103, and/or 112.

38. To resolve the legal and factual questions raised by Luraco and to afford relief from the uncertainty and controversy that Luraco's actions have precipitated, Lexor Manufacturing, LLC is entitled to declaratory judgment that the '177 Patent is invalid.

PRAYER FOR RELIEF

WHEREAS, LEXOR MANUFACTURING, LLC prays that this Court enter a judgment in its favor and against Luraco as follows:

- (a) Enter judgment in favor Lexor Manufacturing, LLC and against Luraco;
- (b) Declare that the '933 Patent has not been infringed by Lexor Manufacturing, LLC.
- (c) Declare that the '933 Patent is invalid.
- (d) Declare that the '178 Patent has not been infringed by Lexor Manufacturing, LLC.
- (e) Declare that the '178 Patent is invalid.
- (f) Declare that the '088 Patent has not been infringed by Lexor Manufacturing, LLC.
- (g) Declare that the '088 Patent is invalid.
- (h) Declare that the '071 Patent has not been infringed by Lexor Manufacturing, LLC.
- (i) Declare that the '071 Patent is invalid.
- (j) Declare that the '177 Patent has not been infringed by Lexor Manufacturing, LLC.
- (k) Declare that the '177 Patent is invalid.

- (l) Declare that this is an exceptional case under 35 U.S.C. § 285 and award Lexor Manufacturing, LLC its costs, including expert fees, disbursements, and reasonable attorneys' fees incurred in this action; and
- (m) Grant such further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

In accordance with Federal Rule of Civil Procedure 38(b), Lexor Manufacturing, LLC hereby demands a trial by jury on all issues so triable.

Respectfully Submitted,

By: /s/ Andy Nikolopoulos
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CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of January 2023, a true and correct copy of the above and foregoing document was served upon all counsel of record, in accordance with the Federal Rules of Civil Procedure.

/s/ Andy Nikolopoulos
Andy Nikolopoulos